

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

United States of America)	
)	Cr. No. 7:08-461-HMH
vs.)	
)	OPINION & ORDER
Donovan Isaiah Jones,)	
)	
Movant.)	

This matter is before the court on Donovan Isaiah Jones’ (“Jones”) pro se motion pursuant to Rule 59(e) of the Federal Rules of Civil Procedure to alter or amend the court’s November 16, 2010 order (“November Order”) denying Jones’ 28 U.S.C. § 2255 motion. For the reasons set forth herein, the court denies Jones’ motion.

A motion to alter or amend a judgment under Rule 59(e) of the Federal Rules of Civil Procedure may be made on three grounds: “(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice.” Hutchinson v. Staton, 994 F.2d 1076, 1081 (4th Cir. 1993). “Rule 59(e) motions may not be used, however, to raise arguments which could have been raised prior to the issuance of the judgment. . . .” Pac. Ins. Co. v. Am. Nat’l Fire Ins. Co., 148 F.3d 396, 403 (4th Cir. 1998). “In general reconsideration of a judgment after its entry is an extraordinary remedy which should be used sparingly.” Id. (internal citation and quotation marks omitted).

In his motion, Jones reasserts his arguments and presents no new facts or evidence which alter the court’s findings in the November Order. In addition, Jones has identified no clear error of law. Therefore, Jones’ motion is denied.

Therefore, it is

ORDERED that Jones' motion to alter or amend judgment, docket number 52, is denied.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
December 6, 2010

NOTICE OF RIGHT TO APPEAL

The Petitioner is hereby notified that he has the right to appeal this order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.